

REMARKS

Claims

Claims 1–20, and 22 are currently under examination with claims 21 and 23 withdrawn from consideration due to restriction/election.

Restriction

The Examiner is thanked for reconsideration of the restriction requirement and the subsequent rejoinder of claims 16–20 and 22.

In view of the amendment of withdrawn claims 21 and 23 to recite a method of using a compound from the elected group, or a pharmaceutical composition thereof, it is courteously submitted that the currently withdrawn claims 21 and 23 also warrant a rejoinder. “If a product claim is found allowable, process claims that depend from or otherwise require all the limitations of the patentable product may be rejoined.” See M.P.E.P. § 806.05. Therefore, a modification to the existing restriction requirement is respectfully requested.

Claim amendments

It is respectfully submitted that the claim amendments do not add new matter. Support for the amended claims can be found throughout the instant specification, as originally filed. No new matter is added.

Specification

The specification has been amended to incorporate cross reference to related applications. Withdrawal of the objection is respectfully requested.

Claim objections

Claims 17 and 18 have been converted to method claims. Support for the amendment can be found, for example, in the disclosure bridging page 3, line 5 to page

5, line 31 of the instant specification, as originally filed. Withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. §112, second paragraph

It is submitted that the rejection of claims 20 and 22 under 35 U.S.C. §112, second paragraph for allegedly being indefinite is moot in view of Applicants' amendment of said claims.

Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1–14 stand rejected under 35 U.S.C. §112, first paragraph for allegedly failing to provide enablement with regard to “pharmaceutically acceptable derivatives” of the compounds of Formula I. This rejection is respectfully traversed.

Contrary to the Examiner's contention, the term “pharmaceutically usable derivative” is expressly defined in the specification. See, page 8, lines 29–31. Applicants' specification also provides a detailed disclosure on “making and using” such derivatives (for example, salts of the compounds of Formula I). The Examiner's contention is weak in view of the detailed disclosure contained in the specification and a skilled artisan's knowledge of the chemical arts. However, in order to facilitate prosecution, Applicants have amended the claims to recite salts of the claimed compounds. Withdrawal of the rejection is respectfully requested.

In view of the above-mentioned arguments and amendments, it is respectfully submitted that the claims in the application are in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

No fees are believed to be due with this response; however, the Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,



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